

REMARKS

Claims 1, 5, 6, 12, 15, 16, 18, and 19 are now pending in the application. Claims 1, 5, 6, 12, 16, 18, and 19 are currently amended. Claims 4 and 9 are cancelled by this amendment. No claims are newly added. Support for the amendments can be found throughout the specification, drawings, and claims as originally filed. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 101

Claim 4 stands rejected under 35 U.S.C. 101 because, under the broadest reasonable interpretation, it is directed to software per se, which is not a process, machine manufacture or composition of matter, and therefore does not constitute statutory subject matter. Applicants have cancelled claim 4, thereby rendering the rejection moot.

Claims 5, 12 and 15 stand rejected under 35 U.S.C. 101 because they are directed to non-statutory subject matter. Claims 5 and 12 are amended to recite "a non-transitory computer readable medium" as suggested by the Examiner. Claim 15 depends from claim 12 and should be allowable given the amendment to claim 12. Accordingly, Applicants request reconsideration and withdrawal of the rejection.

Claim 9 stands rejected under 35 U.S.C. 101 because, under the broadest reasonable interpretation, it is directed to software per se, which is not a process, machine manufacture or composition of matter, and therefore does not constitute statutory subject matter. Applicants have cancelled claim 9, thereby rendering the

rejection moot.

REJECTION UNDER 35 U.S.C. § 103

Claims 1, 16, 18, and 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Xu, et al., "A BGP/GMPLS Solution for Inter-Domain Optical Networking," ETF Draft, June 2002 ("Xu") in view of Rajagopalan, et al., "IP over Optical Networks: A Framework – Second Draft Version," 6 June 2002, Internet Engineering Task Force, pp. 1-41 ("Rajagopalan") and Kompella, et al. "OSPF Extensions in Support of Generalized MPLS, Network Working Group – Internet draft, July 2001, pp. 1-9 ("Kompella"). This rejection is respectfully traversed.

Applicants' disclosure is directed to systems for multi-layer cooperation between an optical network having a plurality of optical paths and one or more external Internet Protocol (IP) networks. Applicants' disclosure teaches edge routers having both an optical network control instance and an IP network instance for improved communication between the optical network and the external IP network(s) and vice-versa. Specifically, Applicants' optical network control instance is used for "maintaining topology information in the optical network and switching/signaling the optical paths based on at least one of topology and routing information learned from [activating] routing protocols [among external IP networks.]" (see Claim 1).

None of Xu, Rajagopalan, and Kompella show, teach, or otherwise suggest controlling switching of optical paths in an optical network based on information learned from activating routing protocols among external IP networks. Rather, each of these

cited references is merely directed to controlling the optical network independently of an external IP network.

For at least these reasons, Applicants respectfully submit that Claim 1 should be allowable. Claims 16, 18, and 19 have been amended in a similar manner to Claim 1 and thus should be allowable, along with claims depending therefrom, for the same reasons as Claim 1. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

Claims 4-5 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Xu in view of Rajagopalan, Kompella, Jagannath (U.S. Pat. No. 6,483,833 B1; "Jagannath"), and Francisco, et al. "Interdomain Routing in Optical Networks," Proceedings of SPIE Opticomm, August 2001, pp. 1-10 ("Francisco"). This rejection is respectfully traversed.

Claim 4 has been cancelled. Claim 5 has been amended in a similar manner to Claim 1 and thus should be allowable, along with claims depending therefrom, for the same reasons as Claim 1. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

Claims 6, 9, 12, and 15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Rosen, et al., "Multiprotocol Label Switching Architecture," Internet Engineering Task Force, July 2000 ("Rosen") in view of Sasagawa (U.S. Pat. No. 7,336,648 B1; "Sasagawa"), Xu, and Braun, et al., "Management of Quality of Service Enabled VPNs," Communications Magazine, IEEE, Vol. 39, No. 5, pp. 90-98, May 2001 ("Braun"). This rejection is respectfully traversed.

Claim 9 has been cancelled. Claims 6 and 12 have been amended in a similar manner to Claim 1 and thus should be allowable, along with claims depending therefrom, for the same reasons as Claim 1. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: September 21, 2010

By: /Timothy D. MacIntyre/_____
Timothy D. MacIntyre
Reg. No. 42,824

HARNES, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

TDM/JAB/dec